

**Elhady Plaintiffs
MSJ Exhibit 74**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ANAS ELHADY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:16-cv-375
)	
CHARLES H. KABLE, et al.)	
)	
Defendants.)	
)	
)	

DECLARATION OF TIMOTHY P. GROH

I, Timothy P. Groh, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am the Deputy Director for Operations of the Terrorist Screening Center (“TSC”) and have been in this position since May 2016. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since February 1996 and have served in a variety of criminal investigative, counterterrorism, and senior management positions. In my capacity as the Deputy Director for Operations of the TSC, I supervise nine units and approximately three hundred individuals (including both government employees and contractors). I am responsible for the overall operations of the TSC, including maintaining the Terrorist Screening Database (TSDB), managing encounters, and sharing intelligence with domestic and foreign partners.

2. I submit this declaration in connection with the government’s response to plaintiffs’ motion to compel production of certain statistical information over which the government has asserted the law enforcement privilege, in *Elhady v. Kable*, 16-cv-375 (E.D.V.A.). The purpose of this declaration is to provide certain statistics sought by plaintiffs that can be publicly disclosed without compromising the government’s claim of law enforcement privilege.

3. The matters stated herein are based on my personal knowledge, background, training, and experience relating to terrorist watchlisting and counterterrorism investigations, and my review and consideration of information available to me in my official capacity, including information furnished by FBI and TSC personnel in the course of their official duties; my conclusions have been reached in accordance therewith.

I. TSDB POPULATION AND US PERSON PERCENTAGE

4. The following table provides the approximate total population of the Terrorist Screening Database (TSDB), rounded to the nearest ten thousand, and the approximate percentage of that population that are US persons (i.e., US citizens or lawful permanent residents), rounded to the nearest tenth of a percent. To provide annual numbers, the table below presents the populations in June of each year, from 2013 through 2017. In my opinion, providing more than these annual numbers would allow adversaries to track changes to the TSDB in sufficient detail to deduce changes in policy and investigative focus, and could thereby reasonably be expected to risk circumvention of the law and harm to national security.

TSDB POPULATION (Approximate)

Date	Population	USPER %
June 2017	~1,160,000	~0.4%
June 2016	~1,030,000	~0.5%
June 2015	~890,000	~0.6%
June 2014	~790,000	~0.7%
June 2013	~680,000	~0.9%

II. ANNUAL “ARREST” NUMBERS

5. For calendar years 2013 through 2017, the table below reflects positive domestic encounters (law enforcement, CBP, etc.) with individuals listed in the TSDB, where “Arrest” was selected (from a drop-down menu) as the “Final Resolution” of the encounter in the TSC’s encounter management system. There is some margin of error in these numbers, in that an

analyst might choose another applicable “Final Resolution” option, and thus an arrest in that instance may not be included in the numbers below. Similarly, while duplicate encounters should be merged, there remains some possibility of duplication (e.g. a traffic stop is closed as an arrest and a subsequent booking encounter is also closed as an arrest). Finally, the numbers for Calendar Year (“CY”) 2017 might have an additional margin of error, due to the change in the encounter management system used within TSC from the Encounter Management Application (EMA) to the Terrorist Screening System (TSS). In my opinion, providing more than these annual numbers or further breaking down these numbers into categories would allow adversaries to determine the TSDB status of particular individuals and could thereby reasonably be expected to risk circumvention of the law and harm to national security.

ARRESTS*

CY	Arrests
2017	263
2016	270
2015	288
2014	305
2013	329

I declare under penalty of perjury that the foregoing is true and correct.

Executed 5th of July 2018.


Timothy P. Groh
Deputy Director for Operations
Terrorist Screening Center